

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NATHAN MAHAFFEY,

Defendant.

Case No. 22-03027-01-CR-S-BP

MOTION FOR DETENTION

Comes now the United States of America, by and through Teresa A. Moore, United States Attorney for the Western District of Missouri, and the undersigned Assistant United States Attorney, and hereby moves this Court to order the detention of the defendant, **NATHAN MAHAFFEY**, and states the following in support of the motion:

1. An indictment has been filed charging the defendant with receipt and distribution of child pornography, in violation of Title 18, United States Code, Sections 2252(a)(1) and (b)(1).
2. Title 18, United States Code, Section 3142(f) provides, in pertinent part, that hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions “will reasonably assure the appearance of such person as required and the safety of any other person and the community” if the attorney for the Government moves for such a hearing and the case involves:

“(E) any felony that is not otherwise a crime of violence that involves a minor victim... .”

3. Title 18, United States Code, Section 3142(e) mandates, subject to rebuttal, “it shall be presumed that no conditions or combination of conditions will reasonably assure the appearance of a person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that there is probable cause to believe that the person committed—(E) an offense involving a minor victim under section 2252(a)(2)... of this title.”
4. The defendant’s illicit acts were discovered after investigators downloaded imagery depicting children being sexually abused by adults from the defendant’s computer.
5. A search warrant was later executed at the defendant’s residence, resulting in the seizure of digital devices later determined to contain a collection of images depicting children engaged in sexually explicit conduct.
6. The defendant was later interviewed and confessed to downloading child pornography from the Internet to satisfy his sexual desires.
7. The defendant has a significant history of drug abuse and has reported that he has no interest in receiving treatment.
8. The defendant was supervised by the Missouri Department of Probation and Parole at the time of his offense, after being convicted of possession of cocaine.
9. This Court is obligated to consider “the nature and circumstances of the offense charged, including whether the offense... involves a minor victim... .” See 18 U.S.C. § 3142(g)(1).
10. The evidence against the defendant is overwhelming. See 18 U.S.C. § 3142(g)(2).

Wherefore, based upon the foregoing, the United States submits that there is clear and convincing evidence that there are no conditions which the Court could place upon the defendant

that would reasonably assure the defendant's appearance in Court and the safety of the community. The Government therefore requests that a detention hearing be held and that the defendant be detained pending trial of this matter.

Respectfully submitted,

Teresa A. Moore
United States Attorney

By: /s/ James J. Kelleher
James J. Kelleher
Assistant United States Attorney
Missouri Bar No. 51921

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on March 3, 2022, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ James J. Kelleher

James J. Kelleher

Assistant United States Attorney